the party position in the State was fluid and the law and order had been neglected. The very grounds relied upon the Governor to dissolve the Assembly showed that it was not possible to carry on the administration of the State in accordance with the provisions of the Constitution for the normal life of the Assembly. Accordingly, it was decided to recommend to the President of India to issue a Proclamation under Article 356 of the Constitution in relation to the State of Nagaland. The President has been pleased to issue the said Proclamation on 2nd April, 1992.

I lay on the Table of the House a Notification issued by the President in this regard in Hindi and English.

THE DEPUTY CHAIRMAN: Now I am allowing the Statement on Bihar. Mr. Ahluwalia and rest, all of you are going to sit throughout the whole proceedings. After the Bihar Statement we are not going to leave.

SHRI S.S. AHLUWALIA (Bihar): I will be here till the House adjourns.

THE DEPUTY CHAIRMAN: O.K.

STATEMENT BY MINISTER

Re: Death of Shri Hemant Shahi, MLA, Bihar.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Madam Deputy Chairman, With your permission I propose to apprise this august House of the facts regarding the incidents that took place at Goraul, District Vaishali, Bihar on 28th March, 1992 which resulted in the death of Shri Hemant Shahi, MLA, Bihar.

2. The brief facts of the case as reported by the State Government of Bihar are as follows:—

The auction of the hat and mela of the Goraul Anchal had been fixed for 28.3.1992. Last year the auction had gone in favour of Shri Reghunath Shah who is currently in jail in connection with some case. The Mukhiya of the local Panchayat, Ram Chander Shah was making efforts to ensure that the auction goes in favour of Shri Munna Shah who is the son of Shri Reghunath Shah.

3. The record of the Panchayat was with the Panchayat Sewak who was not available. Shri Ram Chander Shah wanted that the auction should be held on 30.3.1992. On 28.3.1992 Shri Hemant Shahi, MLA had called the Anchal Adhikari to his village. The Anchal Adhikari had gone to his village and was there for about two hours. After returning, the Anchal Adhikari started the process of auction at 3 P.M.

4. First two auctions on 28.3.92 were peaceful and when the third auction was taken up Mukhiya Ram Chander Shah requested that this auction be held on 30.3.1992. Shri Jai Mangal Rai, Shri Mahavir Sahani and a few others objected to his request on the ground that since the notice of the auction had been given on 25th, the Mukhiya had adequate time to obtain the records from the Gram Sewak. They said that if the process of auction was stayed, approval, would have to be taken and as a result the whole process would be delayed. The Anchal Adhikari accepted this. Then Ram Chander Shah and his supporters left that place.

5. Ten or fifteen minutes after they left Shri Hemant Shahi, MLA along with his bodyguard and 3-4 others reached the Block Office in his gypsy. Shri Arun Yadav was standing in front of the Anchal Adhikari's room with a double barrel gun. Seeing him standing there, the bodyguard of Shri Hemant Shahi slapped his and asked him whether he had the gun licence with him. Shri Arun Yadav said that he had the licence. By that time Shri Hemant Shahi had caught hold of the barrel of the gun and said that you people were coming with a gun to the auction to create disorder and mischief. A scuffle ersued between both and the double barrel gun went off. The bullet hit the MLA and he fell down after being wounded. After the MLA fell down his bodyguard opened fire. Shri Arun Yadav ran into the Circle Officer's room and opened fire from that room. In the end the bodyguard of the MLA shot Shri Arun Yadav dead and from inside the office he opened fire on Sarjug Sahani. The Police Station is only 50 yards away from the place of incident. Constable Shashi Bhushan Sharma who

was on sentry duty came running to the spot. He also opened fire inside the room as a result of which Shri Jai Mangal Rai was shot.

6. After the incident the companions of Hemant Shahi put him in the gypsy and left towards Muzzaffarpur. Hemant Shahi, MLA who had been injured in the shoot out at Goraul on 28th March, 1992 succumbed to his injuries.

7. The State Government of Bihar in another message dated 31st March, 1992 have intimated that the message of death of Shri Hemant Shahi was received on 30/31.3.92. All concerned districts were alerted immediately to take precautionary measures to maintain law and order and public harmony. At about 9.30 A.M. on 31st March, 1992 when the dead body of Shri Hemant Shahi was kept at Tilak Maidan at Muzaffarpur some anti-social elements burnt the vehicle of S.D.O., Muzaffarpur and two other vehicles. Police took immediate action and situation was controlled. The body of Shri Hemant Shahi was brought to Patna in a vehicle from Muzaffarpur via Lalganj and Vaishali. The State Government have further informed that a few incidents of damage of Government vehicles were also reported from S.K. Puri in Patna town in the forenoon but the situation was brought under control immediately. Preventive measures under section 144 of the Cr. P.C. have been taken and intensive patrolling is being done to maintain law and order. The situation is under close watch.

After that, Madam, the concern of the Central Government about the prevailing law and order situation in Bihar was conveyed to the Chief Minister of Bihar and the Chief Minister of Bihar has agreed to hold a judicial inquiry into this, inquiry into all aspects relating to the incident. The Central Government is very keen to see that proper investigation takes place in this case and the culprits are brought to book at the earliest.

THE DEPUTY CHAIRMAN: Do you need clarifications after this?

SOME HON. MEMBERS: Yes, Madam.

CLARIFICATION ON STATEMENT RE: DEATH OF SHRI HEMANT SHAHI, MLA, BIHAR

श्री सुरेन्द्रजीत सिंह अहलुवालिया (बिहार): उपसभापति महोदया, मंत्री महोदय ने बिहार सरकार से प्राप्त सूचना एक पोस्टमास्टर की तरह पढ़ डाली और वह भी जो सूचना है उसमें इतनी गलतियां हैं कि विश्वास करने योग्य नहीं है।

श्री दिग्विजय सिंह (बिहार): पहले यह पूछ लीजिए कि मंत्री महोदय से सहमत हैं कि नहीं। ये बात पूछ लीजिए कि जो सूचना भेजी गई है उससे मंत्री महोदय सहमत हैं कि नहीं।

श्री सुरेन्द्रजीत सिंह अहलुवालिया: मैं मंत्री महोदय से जानना चाहूंगा महोदया कि केंद्रीय सरकार की अपनी खुफिया एजेंसियां हैं बिहार में, उन्होंने क्या रिपोर्ट दी है इनको? पहली बात जो पहले पैराग्राफ में इन्होंने लिखी है कि "पिछले वर्ष नीलामी श्री रघुनाथ साह के पक्ष में गई थी और इस बार स्थानीय पंचायत के मुखिया रामचन्द्र साह, रघुनाथ साह के बेटे मुन्ना साह को दिलाना चाहते थे," यह सच्चाई से बहुत दूर की बात है क्योंकि महोदया, रघुनाथ साह के भगना हैं रामचन्द्र साह और रामचन्द्र साह और रघुनाथ साह में पीढ़ी दर पीढ़ी मुकदमें चल रहे हैं और एक दूसरे को रोज जेल में बंद करते हैं और उसी पर रघुनाथ साह अभी भी जेल में बंद हैं। उनके बेटे के लिए रामचन्द्र साह पैरवी कैसे कर रहे थे? पहले पैराग्राफ में ये गलती मैं निकालता हूं। सच्चाई से कितनी दूर की बात है।

दूसरे पैराग्राफ में महोदया, ये कहते हैं कि हेमन्त शाही विधायक ने अंचल अधिकारी को अपने गांव बुलाया था और अंचल अधिकारी उनके गांव गए और दो घंटे वहां रहे। महोदया, मैं नवभारत टाइम्स, पटना संस्करण में जो छपा है, जहां लल्लू यादव, मुख्यमंत्री के समक्ष बैठकर वहां के ईख राज्य मंत्री उदय नारायण राय ने 30 तारीख को, उनके साथ लल्लू यादव, उदय नारायण राय, जनता दल, के नेता रघुपति एवं चन्द्रभूषण दुबे चारों ने बैठकर प्रैस कांफ्रेंस करके जो कहा, संयुक्त प्रैस कांफ्रेंस में आरोप लगाया कि विधायक हेमंत शाही को गोली लगने की खबर बेबुनियाद है। हेमंत शाही को गोली लगी ही नहीं। 30 तारीख को कह रहे हैं कि वह ड्रामा कर रहे हैं, नाटक कर रहे हैं और नर्सिंग होम में पुलिस के डर से भर्ती हो गए, उनको गोली ही नहीं लगी। यह मुख्यमंत्री के सामने एक जिम्मेदार राज्य मंत्री बयान दे रहा है और उसी में स्वीकार करता है कि घटना के समय उपस्थित कई प्रत्यक्षदर्शियों ने उन्हें बताया कि गुरौल अंचल कार्यालय पर घटना के दिन पूर्वाह्न 10 बजे श्री शाही